



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/609,117

06/27/2003

Xin Tao

LUTZ 2 00209

9242

48116 7590 02/20/2009

FAY SHARPE/LUCENT
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland, OH 44115-1843

EXAMINER

MAIS, MARK A

ART UNIT

PAPER NUMBER

2419

MAIL DATE

DELIVERY MODE

02/20/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/609,117

Applicant(s)

TAO, XIN

Examiner

MARK A. MAIS

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6 and 9-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 7, 2009 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4-6, and 9-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Bjelland et al. (USP 6,973,054).

4. With regard to claim 1, Bjelland et al. discloses a method for processing calls in a voice over packet system [**GPRS packet system, col. 1, lines 35-38; UMTS is both circuit and packet-switch, col. 4, lines 43-45**], the system including a call controller having control modules [**Fig. 4, 2 controllers 406/408**], a plurality of media gateways [**Fig. 4, gateways 410/412**], an ingress channel [**Fig. 4, e.g., originating call to node 402**], an egress channel [**Fig. 4, e.g., terminating call to node 404**] and a core packet network [**Fig. 3, e.g., backbone network**], the method comprising:

receiving a call having call content, originating information, and terminating information on the ingress channel [**Fig. 4, e.g., originating call to node 402 inherently includes call content, originating information, and terminating information**];

establishing an originating half call context for the call based on the originating information [**Fig. 4, Gateway 410 establishes a call context between the originating call connected to Node 402 and a connection (within Gateway 410) to Gateway 412; as stated in applicants specification, call contexts are already known**] *the originating half call context having terminating points within one of the plurality of media gateways* [**Figs 4-5; each half-call context is inherently performed in the Gateways 410 and 412; col. 5, lines 29-64, contexts and terminations**];

controlling the originating half call context for the call by a first control module of the call controller [**Fig. 4, Media Controller 406 controls Gateway 410**];

instructing a second control module of the call controller to establish a terminating half call context for the call [**Fig. 4, Media Controller 406 inherently establishes a control application connection with Media Controller 408 in order to instruct it to establish it's own half call**];

establishing the terminating half call context for the call based on the terminating information [**Fig. 4, Gateway 412 inherently establishes a call context from the Gateway 410 (within Gateway 412) and the terminating call connected to node 404**] *the terminating half call context having terminating points within a second one of the plurality of media gateways* [**Figs 4-5; each half-call context is inherently performed in the Gateways 410 and 412; col. 5, lines 29-64, contexts and terminations**];

controlling the terminating half call context for the call by the second module [**Fig. 4, Media Controller 408 inherently controls Gateway 412**];

transmitting the call content from the originating context to the terminating context [**Fig. 4, call content is inherently transmitted form originating to terminating context by use of the bearer protocol**] based on the controlling of each call context by the first and second control modules [**Fig. 4, inherently based on the signaling between Media Controllers 406 and 408**];
and,

transmitting the call content out of the system on the egress channel [**Fig. 4, the content of the terminating call is inherently transmitted to the recipient through node 404**].

5. With regard to claim 4, Bjelland et al. discloses that the call content on the ingress channel is in one of time-division multiplexed (TDM) format and packet format [**GPRS uses the GSM network (TDMA), col. 49-59; UMTS is both circuit and packet-switch, col. 4, lines 43-45**].

6. With regard to claim 5, Bjelland et al. discloses that the call content on the egress channel is in one of time-division multiplexed (TDM) format and packet format [**GPRS uses the GSM network (TDMA), col. 49-59; UMTS is both circuit and packet-switch, col. 4, lines 43-45**].

7. With regard to claim 6, Bjelland et al. discloses that the call content is in packet format during the transmitting from the originating call context to the terminating call context [**GPRS uses the GSM network (TDMA), col. 49-59; UMTS is both circuit and packet-switch, col. 4, lines 43-45**].

8. With regard to claim 9, Bjelland et al. discloses an apparatus for processing calls in a voice over packet system, the apparatus comprising:

means for receiving a call having call content [**Fig. 4, e.g., originating call to node 402 inherently includes call content, originating information, and terminating information**];

means for establishing an originating half call context for the call [**Fig. 4, Gateway 410 establishes a call context between the originating call connected to Node 402 and a connection (within Gateway 410) to Gateway 412; as stated in applicants specification, call contexts are already known**];

means for controlling the originating half call context for the call [Fig. 4, Media Controller 406 controls Gateway 410];

means for establishing a terminating half call context for the call [Fig. 4, Gateway 412 inherently establishes a call context from the Gateway 410 (within Gateway 412) and the terminating call connected to node 404];

means for controlling the terminating half call context for the call [Fig. 4, Media Controller 408 inherently controls Gateway 412];

means for transmitting the call content from the originating half call context to the terminating half call context based on the means for controlling [Fig. 4, call content is inherently transmitted from originating to terminating context by use of the bearer protocol]; and,

means for transmitting the call content out of the system on the egress channel [Fig. 4, the content of the terminating call is inherently transmitted to the recipient through node 404].

9. With regard to claim 10, Bjelland et al. discloses means for establishing an originating half call context is a media gateway [each half-call context is inherently performed in the Gateways 410 and 412].

10. With regard to claim 11, Bjelland et al. discloses means for controlling the originating half call context is the call controller [Fig. 4, Media Controller 406 controls Gateway 410].

11. With regard to claim 12, Bjelland et al. discloses means for establishing the terminating half call context is a media gateway **[each half-call context is inherently performed in the Gateways 410 and 412]**.

12. With regard to claim 13, Bjelland et al. discloses that the originating half call context resides in a media gateway **[each half-call context is inherently performed in the Gateways 410 and 412]**.

13. With regard to claim 14, Bjelland et al. discloses that the terminating half call context resides in a media gateway **[each half-call context is inherently performed in the Gateways 410 and 412]**.

14. With regard to claim 15, Bjelland et al. discloses that the means for transmitting the call content from the originating context to the terminating context is a media gateway **[each half-call context is inherently performed in the Gateways 410 and 412]**.

15. With regard to claim 16, Bjelland et al. discloses that the means for transmitting the call content out of the system is a media gateway **[Abstract, the second Media Controller 408 controls Media Controllers 406's resources (e.g., Gateway 410) and the originating and terminating call contexts necessarily reside in Gateway 410]**.

16. With regard to claim 17, Bjelland et al. discloses that the originating half call context

resides in a first media gateway **[Fig. 4, Gateway 410]** and the terminating half call context resides in a second media gateway **[Fig. 4, Gateway 412]**.

17. With regard to claim 18, Bjelland et al. discloses that the originating half call context resides in a media gateway and the terminating half call context resides in the same media gateway **[Abstract, the second Media Controller 408 controls Media Controllers 406's resources (e.g., Gateway 410) and the originating and terminating call contexts necessarily reside in Gateway 410]**.

18. With regard to claim 19, Bjelland et al. discloses additional call contexts to allow for monitoring of the call **[Abstract, the second Media Controller 408 controls Media Controllers 406's resources (e.g., Gateway 410) and the originating and terminating call contexts necessarily reside in Gateway 410; thus, the Media Controller 408 must create a call context to monitor the call in Gateway 410]**.

19. Claim 20 is rejected under 35 U.S.C. 102(e) as being anticipated by Applicants' Admitted Prior Art (APA) **[Fig. 3; Specification page 3, paragraph 0009]**.

20. With regard to claim 20, APA discloses a method for processing calls in a voice over packet system, the system including a call controller having control modules, a media gateway, an ingress channel, an egress channel and a core packet network **[APA, page 3, paragraph 0009]**, the method comprising:

receiving a call having call content, originating information, and terminating information on the ingress channel **[Fig. 3, ingress channel 41];**

establishing an originating half call context for the call based on the originating information the originating half call context having terminating points within the media gateway **[Fig. 3, half-call context 52];**

controlling the originating half call context for the call by a first control module of the call controller **[Fig. 2, interpreted as the call controller controlling the first half of the call];**

instructing a second control module of the call controller to establish a terminating half call context for the call **[Fig. 2, interpreted as the call controller controlling the second half of the call];**

establishing the terminating half call context for the call based on the terminating information the terminating half call context having terminating points in the media gateway **[Fig. 3, half-call context 54];**

controlling the terminating half call context for the call by the second module **Fig. 2, interpreted as the call controller controlling the second half of the call];**

transmitting the call content from the originating context to the terminating context based on the controlling of each call context by the first and second control modules **[APA, page 3, paragraph 0009];** and,

transmitting the call content out of the system on the egress channel **[Fig. 3, egress channel 43].**

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

(a) Musikka et al. (USP 6,958,983), Method and system for optimal routing of calls in a base station system.

(b) Saxena (USP 6,370,132), Mobile terminated call routing in a network access server/interworking function.

(c) Seok (USP 6,625,473), Method of sharing load in mobile switching system.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK A. MAIS whose telephone number is (571)272-3138. The examiner can normally be reached on M-Th 9am-8pm.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2419

24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

February 17, 2009

/Mark A. Mais/

Examiner, Group Art Unit 2419

/Wing F. Chan/

Supervisory Patent Examiner, Art Unit 2419

2/17/09